

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

LISA PUMPHREY, Plaintiff, vs. CINCINNATI INSURANCE COMPANY, a foreign corporation, and MICHAEL DELANEY, individually, Defendants.	CV-05-14-BLG-RFC-CSO <u>ORDER ON PENDING MOTIONS AND SETTING BRIEFING SCHEDULE AND HEARING</u>
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In an Order filed on March 9, 2007, the Court directed Pumphrey to "file a report either identifying those issues that remain with respect to her [Second Motion to Compel Production of Documents (Court's Doc. No. 57)] or advising the Court that the motion is resolved." *3/9/2007 Order at 8.*

On March 30, 2007, Pumphrey complied with the Order by filing a Status Report on Discovery (Court's Doc. No. 81). She identified therein the following three discovery issues that remain in dispute: (1) Pumphrey's request for all documents from Cincinnati's Gough File; (2) Pumphrey's request for all documents showing Cincinnati's claims against the Gough law firm; and (3) Pumphrey's request for all documents showing Cincinnati's policies, rules, or guidelines on advance payment of medical

expenses in Montana.

On April 4, 2007, Pumphrey filed her Third Motion to Compel Production of Documents (Court's Doc. No. 83). Her Third Motion to Compel seeks the Court's Order compelling Defendants to produce the documents identified in her Status Report, discussed *supra*.

In light of the fact that the only remaining discovery issues that Pumphrey has identified in connection with her Second Motion to Compel are the same as those in her Third Motion to Compel, the Court concludes that her Second Motion to Compel is now moot, as set forth below.

With respect to other pending motions, on April 2, 2007, Defendants filed a Motion to Compel (Court's Doc. No. 85). On April 3, 2007, Defendants also filed a Motion for Protective Order (Court's Doc. No. 86).

The Court deems it appropriate at this juncture to put in place a briefing schedule for the pending motions. Also, the Court will set a hearing at which the Court will address the motions and put in place a schedule for disposition of this case. Therefore,

IT IS ORDERED that:

1. Pumphrey's Second Motion to Compel Production of Documents (Court's Doc. No. 57) is MOOT.
2. With respect to Pumphrey's Third Motion to Compel Production of Documents (Court's Doc. No. 83):

- a. Defendants shall file their response brief on or before April 16, 2007; and
 - b. Pumphrey shall file her reply brief on or before April 27, 2007.
3. With respect to Defendants' Motion to Compel (Court's Doc. No. 85):
 - a. Pumphrey shall file her response brief on or before April 16, 2007; and
 - b. Defendants shall file their reply brief on or before April 27, 2007.
4. With respect to Defendants' Motion for Protective Order (Court's Doc. No. 86):
 - a. Defendants shall file, under seal, Robert Cameron's single page handwritten note at issue on or before April 6, 2007, for the Court's *in camera* review;
 - b. Pumphrey shall file her response brief on or before April 16, 2007; and
 - c. Defendants shall file their reply brief on or before April 27, 2007.
5. The Court will conduct a hearing on all pending motions on Wednesday, May 9, 2007, at 2:00 p.m., at the James F. Battin Federal Courthouse, Billings, Montana, in Courtroom III. At the hearing, Counsel should be prepared to assist the Court in putting in place a schedule for disposition of this case.

DATED this 4th day of April, 2007.

/S/ Carolyn S. Ostby
Carolyn S. Ostby
United States Magistrate Judge